

Department of Energy

§ 708.1

42 U.S.C. 290dd-3, 42 U.S.C. 290ee-3, and 42 CFR part 2). If such records are sought from the contractor for criminal investigations, or to resolve a question or concern relating to the Personnel Assurance Program certification or access authorization under 10 CFR part 710, any applicable procedures in statute or regulation for disclosure of such information shall be followed. Moreover, owing to DOE's express environmental, public health and safety, and national security interests, and the need to exercise proper contractor oversight, DOE must be kept fully apprised of all aspects of the contractor's program, including such information as incidents involving reasonable suspicion, occurrences, and confirmed test results, as well as information concerning test results in the aggregate.

(c) Unless otherwise approved by DOE, the contractors shall ensure that all laboratory records relating to positive drug test results, including initial test records and chromatographic tracings, shall be retained by the laboratory in such a manner as to allow retrieval of all information pertaining to the individual urine specimens for a minimum period of five years after completion of testing of any given specimen, or longer if so instructed by DOE or by the contractor. In addition, a frozen sample of all positive urine specimens shall be retained by the laboratory for at least six months, or longer if so instructed by DOE.

(d) The contractor shall maintain as part of its medical records copies of specimen chain of custody forms.

(e) The specimen chain of custody form will contain the following information:

- (1) Date of collection;
- (2) Tested person's name;
- (3) Tested employee/applicant's social security number or other identification number unique to the individual;
- (4) Specimen number;
- (5) Type of test (random, applicant, occurrence, reasonable suspicion, follow-up, or other);
- (6) Temperature range of specimen;
- (7) Remarks regarding unusual behavior or conditions;
- (8) Collector's signature; and
- (9) Certification signature of specimen provider certifying that specimen

identified is in fact the specimen the individual provided.

§ 707.17 Permissible actions in the event of contractor noncompliance.

Actions available to DOE in the event of contractor noncompliance with the provisions of this part or otherwise performing in a manner inconsistent with its approved program include, but are not limited to, suspension or debarment, contract termination, or reduction in fee in accordance with the contract terms.

PART 708—DOE CONTRACTOR EMPLOYEE PROTECTION PROGRAM

Subpart A—General Provisions

Sec.

- 708.1 Purpose.
- 708.2 Scope.
- 708.3 Policy.
- 708.4 Definitions.

Subpart B—Procedures

- 708.5 Prohibition against reprisals.
- 708.6 Filing a complaint.
- 708.7 Attempt at informal resolution.
- 708.8 Acceptance of complaint and investigation.
- 708.9 Hearing.
- 708.10 Initial agency decision.
- 708.11 Final decision and order.
- 708.12 Implementation of decision.
- 708.13 Communication of program to contractor employees.
- 708.14 Alternative means of resolution.
- 708.15 Time frames.

AUTHORITY: 42 U.S.C. 2201(b), 2201(c), 2201(i), and 2201(p); 42 U.S.C. 5814 and 5815; 42 U.S.C. 7251, 7254 7255, and 7256.

SOURCE: 57 FR 7541, Mar. 3, 1992, unless otherwise noted.

Subpart A—General Provisions

§ 708.1 Purpose.

This part establishes procedures for timely and effective processing of complaints by employees of contractors performing work at sites owned or leased by the Department of Energy (DOE), concerning alleged discriminatory actions taken by their employers in retaliation for the disclosure of information relative to health and safety, mismanagement, and other matters